

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Mahony**

# A Bill

**ACT 1064 OF 1995**  
**SENATE BILL 757**

## For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE § 9-14-204 TO PROVIDE FOR AN  
EXPEDITED PROCESS IN IV-D CHILD SUPPORT AND PATERNITY  
CASES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

### Subtitle

"TO AMEND A.C.A. § 9-14-204 TO PROVIDE  
FOR AN EXPEDITED PROCESS IN IV-D CHILD  
SUPPORT AND PATERNITY CASES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Annotated § 9-14-204 is hereby amended to read  
as follows:

"9-14-204. Hearings for enforcement of support orders.

(a) (1) Hearings in all child support cases and paternity cases brought  
pursuant to §§ 9-10-101 et seq. and 9-27-301 et seq. shall be heard within a  
reasonable period of time following service of process in each county in the  
state.

(2) In each of the seventy-five (75) counties of this state, the  
chancery or juvenile judge or judges of the judicial district for the county  
may designate at least one (1) day per month, and shall designate additional  
days each month when expedited process is not met in the preceding quarter, in  
each county to docket and hear matters concerning the establishment and  
enforcement of support orders and paternity. These dates shall be publicized  
in the court calendar for the judicial district each calendar year, clearly  
noting the county and time of day the court shall commence to sit on these  
matters.

(3) (A) In addition, in all actions in which delinquency or other  
support-related noncompliance has been identified, cases brought pursuant to

1 Title IV-D of the Social Security Act shall be completed from time of  
2 delinquency or location of the noncustodial parent by the Office of Child  
3 Support Enforcement, whichever is later, to the time of disposition within the  
4 following time periods within each judicial district:

5 (i) No more than thirty (30) calendar days if service  
6 of process is not needed; or

7 (ii) In cases where service of process is required,  
8 the chancery or juvenile judge or judges of a judicial district shall hear and  
9 dispose of seventy-five percent (75%) of all Title IV-D cases within  
10 forty-five (45) days after filing when service is obtained; however, when  
11 there is a need for relocation of the noncustodial party in order to achieve  
12 service, the forty-five (45) day time period shall not commence until filing  
13 of the court's last order to appear and show cause or subsequent other  
14 pleading or order necessary to proceed with service.

15 (B) In addition, in all Title IV-D actions:

16 (i) The sheriff of the county in which the case is  
17 filed shall use diligent efforts to obtain service of process on the  
18 noncustodial parent within ten (10) days from the date of a service request  
19 and, if service of process is not accomplished within ten (10) days, the  
20 sheriff shall return the service papers to the requesting party and note  
21 specifically the reasons for nonservice. The return shall be filed with the  
22 clerk within eleven (11) days of the request for service whether the return is  
23 based on service or nonservice;

24 (ii) Pursuant to § 16-20-101, the clerk of the court  
25 shall file or docket all Title IV-D cases, pleadings, and orders on the date  
26 received, but no later than close of business the following business day after  
27 the cases, pleadings, or orders are received in the clerk's office. Filed  
28 cases, pleadings, orders, or court documents in all Title IV-D cases shall be  
29 returned or made available to the filing party immediately thereafter.

30 (C) All actions to establish paternity and support  
31 obligations in cases brought pursuant to Title IV-D of the Social Security Act  
32 shall be completed from time of service to the time of disposition within the  
33 following time periods within each judicial district:

34 (i) Seventy-five percent (75%) in six (6) months;

35 (ii) Ninety percent (90%) in twelve (12) months.

1 (D) When calculating these rates of disposition:

2 (i) The percentages will be based upon a comparison  
3 of all disposed cases to the total of all filed cases for the preceding  
4 quarter, within each judicial district which have been brought pursuant to  
5 Title IV-D of the Social Security Act; and

6 (ii) In any jurisdiction in which twenty (20) or  
7 fewer Title IV-D cases have been filed during the preceding quarter, when  
8 applying the percentages set forth in this subdivision, the next lowest whole  
9 number will be utilized for purposes of measurement of compliance.

10 (E) These calculations will be for the quarter ending April  
11 1, 1995 , and each three (3) months thereafter.

12 (b)(1) The chancery or juvenile judge or judges of a judicial district  
13 shall provide for expedited support and paternity hearings in each county of  
14 the district. The Chief Justice of the Arkansas Supreme Court shall direct  
15 the redistribution of case load assignments or appoint an additional chancery  
16 or juvenile judge or judges to hear Title IV-D cases and assist the county or  
17 judicial district and to serve in accordance with this section, if necessary,  
18 to meet the time requirements for processing Title IV-D cases.

19 (2) Upon agreement of chancery and juvenile judges and clerks in  
20 counties selected by the Office of Child Support Enforcement, the Office shall  
21 designate up to ten (10) counties of various populations, geographic  
22 locations, and economic development for test purposes and to conduct  
23 demonstration projects for expedited process to determine the feasibility of  
24 implementing innovative policies, procedures, practices, and techniques,  
25 including but not limited to a quasi-judicial process, in the establishment of  
26 paternity, child support, and enforcement of child support orders pursuant to  
27 Title IV-D. The Office of Child Support Enforcement shall notify and obtain  
28 the agreement of all affected judges and clerks in each of the designated  
29 counties of their selection thirty (30) days prior to implementation of the  
30 demonstration project. Such demonstration projects shall automatically  
31 terminate by operation of law on April 1, 2001, or may be extended upon  
32 application by the Office of Child Support Enforcement and consent of the  
33 Governor.

34 (c) The compensation to be allowed a chancery or juvenile judge  
35 appointed under this section shall be as prescribed by current law for

1 appointed chancery or juvenile judges.

2 (d) The appointed chancery or juvenile judge shall have the same  
3 authority and power as a chancery or juvenile judge to issue any and all  
4 process in conducting hearings and other proceedings in accordance with this  
5 section. In addition, the appointed chancery or juvenile judge shall have  
6 those powers as other judges under state and federal law and Title IV-D of the  
7 Social Security Act. The Chief Justice of the Arkansas Supreme Court may  
8 recall from retirement a chancery or juvenile judge and appoint same pursuant  
9 to this section to assist the state in meeting the required time frames noted  
10 above.

11 (e) The Office of Child Support Enforcement of the Revenue Division of  
12 the Department of Finance and Administration shall furnish to the  
13 Administrative Office of the Courts caseload information and data regarding  
14 the Title IV-D cases filed by the attorneys for the State of Arkansas."  
15

16 SECTION 2. Arkansas Code Annotated § 9-10-107 is hereby repealed.  
17

18 SECTION 3. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.  
21

22 SECTION 4. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.  
27

28 SECTION 5. All laws and parts of laws in conflict with this act are  
29 hereby repealed.  
30

31 SECTION 6. EMERGENCY. It is hereby found and determined by the General  
32 Assembly that it is in the best interests of the people of the state of  
33 Arkansas that child support orders be enforced and that child support  
34 collected in the most expedient manner and that a smooth transition from  
35 current requirements to those of this act require that such provisions become

1 effective immediately upon passage and approval of this act. Therefore, an  
2 emergency is declared to exist and this act being necessary for the  
3 preservation of the public peace, health and safety shall be in full force and  
4 effect from and after its passage and approval.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

APPROVED: 4-10-95

1  
2  
3